

# CLAIMS RESOLUTION TRIBUNAL

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In re Holocaust Victim Assets Litigation  
Case No. CV96-4849

## **Certified Award**

to Claimants [REDACTED 1]

and [REDACTED 2]

## **in re Account of Vilmos Sövény**

Claim Numbers: 201706/MW; 205532/MW

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Vilmos Sövény (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimants**

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her paternal uncle, Vilmos Sövény, who was born in 1883 in Pécs, Hungary. Claimant [REDACTED 2] indicated that her uncle, who was Jewish, was a real estate owner, and that he resided at St. Istvan Park 23 in Budapest, Hungary. Claimant [REDACTED 2] further indicated that her uncle had friends in Zurich, Switzerland, and that her uncle told her that he held an account at the Bank, which may have contained securities. Claimant [REDACTED 2] explained that her uncle died in Budapest in 1945. Claimant [REDACTED 2] submitted a detailed family tree; a letter, dated 2 May 1964, which indicates that Claimant [REDACTED 2] inquired with an organization in Budapest to determine whether her uncle, Vilmos Sövény, who resided at St. Istvan Park 23 in Budapest, held an account at the Bank, that it was probable [REDACTED], the illegitimate son of Vilmos Sövény, may have withdrawn the funds from this account, and that Vilmos Sövény was forced to hide in Budapest during the German occupation; and her identity card, which indicates that her maiden name is Sövény. Claimant [REDACTED 2] indicated that she was born on 19 January 1924 in Pécs.

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his maternal uncle, Vilmos Sövény, who was born in 1898 in Pécs, Hungary, and was never married.

Claimant [REDACTED 1] indicated that his uncle, who was Jewish, was a real estate owner. Claimant [REDACTED 1] stated that in 1944 his uncle was deported and that he perished in the Holocaust. Claimant [REDACTED 1] indicated that he was born on 1 August 1919 in Budapest.

Claimant [REDACTED 2] previously submitted an ATAG Ernst & Young claim form in 1998 and an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Vilmos Sövény. Claimant [REDACTED 1] previously submitted an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his uncle, William Soveny,<sup>1</sup> who was born in 1897 and resided at 3 St. Istvan Park in Budapest.

### **Information Available in the Bank’s Records**

The Bank’s records consist of printouts from the Bank’s database, excerpts from the Bank’s ledgers, and correspondence to the Bank. According to these records, the Account Owner was Vilmos Sövény who resided in Budapest, Hungary. The Bank’s records indicate that the Account Owner held a custody account, numbered 25248, which was opened on 13 March 1943. The Bank’s records further indicate that the account was closed no later than November 1949. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank’s records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The Bank’s records also contain a letter, dated 31 January 1952, from an attorney representing *Frau* (Mrs.) [REDACTED], née [REDACTED], inquiring with the [REDACTED] as to whether Vilmos Soeveny, who resided at V. Istvan Park 23 in Budapest, held an account at that bank.<sup>2</sup> This letter further indicates that Vilmos Sövény died in Budapest on 2 September 1945, leaving two children. The letter also indicates that [REDACTED] was the co-heir to Vilmos Sövény’s Estate. The Bank’s records do not indicate if or when this account was paid to *Frau* (Mrs.) [REDACTED] pursuant to her inquiry.

The Bank’s records further contain numerous bank-related correspondence: a letter from the [REDACTED] to the [REDACTED], dated 4 September 1953, inquiring whether the bank had an account held by Wilmesch Sövényi, who died on 21 September 1945 in Budapest; a letter from the [REDACTED] to the [REDACTED], dated 14 September 1955, indicating that they did not find an account held by Wilmesch Sövényi; an internal memorandum from the Bank to its branches, dated 30 September 1954, inquiring whether Vilmes Soveny, who died in 1945 in Budapest, held any type of account at the Bank; and a letter from the Bank to its Central Bureau, dated 7 October 1954, indicated that the Bank did not locate any accounts for Vilmes Soveny of Budapest.

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<sup>1</sup> The CRT notes that *William* is the English equivalent of the Hungarian name *Vilmos*.

<sup>2</sup> The CRT notes that the family tree submitted by Claimant Nyitrai indicated that *Frau* (Mrs.) Kamilla Visontay, née Soeveny, was the Account Owner’s daughter.

## The CRT's Analysis

### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

### Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The Claimants' uncle's name and city of residence matches the published name and city of residence of the Account Owner. Claimant [REDACTED 2] identified her uncle's street address and his year and place of death, which matches the information contained in the letter of 31 January 1952, from the attorney representing *Frau* (Mrs.) [REDACTED], née [REDACTED], inquiring with the [REDACTED] about accounts belonging to Vilmos Soeveny.<sup>3</sup> The CRT further notes that Claimant [REDACTED 2] identified information concerning her uncle's account, namely, the branch location, bank name, and type of account, which is consistent with unpublished information contained in the Bank's records. In support of her claim, Claimant [REDACTED 2] submitted documents, including a letter, dated 2 May 1964, which indicates that Claimant [REDACTED 2] inquired with an organization in Budapest to determine whether her uncle, Vilmos Sövény, who resided at St. Istvan Park 23 in Budapest, held an account at the Bank, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided at the same street address recorded in the letter of 31 January 1952 as the name and street address of the Account Owner.

The CRT notes that Claimant [REDACTED 2] filed an ATAG Ernst & Young claim form in 1998 and an IQ with the Court in 1999, and Claimant [REDACTED 1] filed an IQ with the Court in 1999, each asserting their entitlement to a Swiss bank account owned by Vilmos Sövény, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimants have based their present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

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<sup>3</sup> The CRT notes that it is not clear that the Account Owner and the individual named Vilmos Soeveny referred to in the letter of inquiry to the [REDACTED], dated 31 January 1952, are the same person. However, the CRT further notes that the Bank included this letter in its records relating to the Account Owner. The CRT further notes that the [REDACTED] and the Bank merged in 1998.

### Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, that he was deported from Budapest in 1944, and that he perished in the Holocaust. Claimant [REDACTED 2] stated that the Account Owner was forced to live in hiding during the Nazi occupation of Budapest, that he was persecuted by the Nazis, and that he died in 1945 in Budapest.

### The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimants' uncle. The CRT notes that Claimant [REDACTED 2] filed an IQ with the Court in 1999, and an ATAG Ernst & Young claim form in 1998, and that Claimant [REDACTED 1] filed an IQ with the Court in 1999 identifying the relationship between the Account Owner and Claimants, prior to the publication in February 2001 of the ICEP List. The family tree submitted by Claimant [REDACTED 2] indicates that the Claimants have other relatives who would be equally entitled to the award; however, the CRT has received no claims to this account from any of these relatives and therefore cannot establish their possible entitlement to this account.

### The Issue of Who Received the Proceeds

Given the persecution of Jews in Hungary and the confiscation of Jewish assets during the Second World War; that the Account Owner died in 1945; that there is no record of the payment of the Account Owner's accounts to him or his heirs; that the Account Owner's heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h), (i) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a

similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the ICEP (the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"). The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 162,500.00.

#### Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. Accordingly, the Claimants are each entitled to one-half of the total award amount.

#### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

#### **Certification of the Award**

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
28 September 2004